



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

GARY WISE,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 6:06-0802-HFF-WMC
	§	
SOUTH CAROLINA DEPARTMENT OF	§	
CORRECTIONS et al,	§	
Defendants.	§	

ORDER

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendants' Motion for Summary Judgment be granted. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on February 7, 2007. Plaintiff's objections were entered by the Clerk on February 28, 2007. The Court has carefully reviewed those objections, however, and finds them to be without merit.

Accordingly, after a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that Defendants' Motion for Summary Judgment be **GRANTED**. Plaintiff's remaining motions, thus, are rendered **MOOT**.*

IT IS SO ORDERED.

Signed this 28th day of February, 2007, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

*Even if the Court were not to find the Motion to Appoint Counsel as moot, however, it would deny the motion on the basis that Plaintiff has failed to set forth any exceptional circumstances that would make the granting of the motion proper.